

REMARKS

Applicants acknowledge, with thanks, the Examiner's allowance of claims 13, 16, 41 and 43 and his indication that claims 42 and 44 contain allowable subject matter. After entry of this amendment, claims 13, 16, 36 and 41-45 will be pending in this application. Claims 1, 7-12, 14, 15, 17, 18, 34, 39 and 40 have been canceled without prejudice in this amendment solely to advance the prosecution of this application. Applicants reserve the right to timely file an application directed to one or more of the canceled claims.

Claim 16 has been amended to correct a typographical error. Each of claims 36 and 42 has been amended to recite dependency on allowed claim 13. Claim 45 has been added and depends from allowed claim 16. Thus, all claims have been allowed or depend from claims that are indicated as allowable.

The amendments to the claims are supported by the application as originally filed, do not add new matter, and are otherwise proper. Applicants respectfully request entry of this Amendment in its entirety. In view of the above amendments and following remarks, applicants respectfully request reconsideration of the claims and submit that the application is in condition for allowance. This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, are presented, with an appropriate defined status identifier.

II. Election/Restriction

Claims 17-18, 34 and 40 "stand withdrawn from further consideration...as being drawn to a non-elected invention.... Claims 12 and 14 do not encompass the elected peptide.

Therefore, these claims are withdrawn from further consideration.” The cancellation of claims 12, 14, 17-18, 34 and 40 render the Examiner’s concerns moot. Accordingly, applicants respectfully request withdrawal of this rejection.

III. Claim Rejections – 35 U.S.C. §102

Claims 1, 7-11, 15, 36 and 39 were “rejected under 35 U.S.C. 102(b) as being anticipated by Wade et al.” Applicants have canceled claims 1, 7-11, 15 and 39 obviating the ground for this rejection with respect to those claims. Claim 36 has been amended to be dependent from allowed independent claim 13. Accordingly, applicants respectfully request the Examiner withdraw this rejection.

IV. Allowable Subject Matter

Applicants thank the Examiner for indicating that claims 13, 16, 41 and 43 were allowed and that claims 42 and 44 contain allowable subject matter. Claims 42 and 44 were “objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.” In lieu of making claims 42 and 44 independent claims, claim 42 has been amended to be dependent from allowed claim 42. Claim 44 depends from claim 42 and is also dependent on allowed claim 42. Accordingly, applicants respectfully request the Examiner withdraw these claim objections.

CONCLUSION

In view of the above remarks and amendments, it is respectfully submitted that this application is in condition for allowance. Early notice to that effect is earnestly solicited. The Examiner is invited to telephone the undersigned at the number listed below if the Examiner believes such would be helpful in advancing the application to issue.

Respectfully submitted,

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By 

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